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SUBJECT: LIEUTENANTS DETAINED IN SOLDIER'S DEATH

CLASSIFIED BY: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (D
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SUMMARY

11. (U) FOUR MEMBERS OF THE MILITARY WERE DETAINED APRIL 28 IN CONNECTION WITH THE MARCH 5 DEATH OF THE SOLDIER ROBERT AGUILAR AT SOCUAVO MILITARY BASE IN ZULIA STATE. AGUILAR'S FAMILY CLAIMS HE DROWNED AFTER SUPERIOR OFFICERS PUT HIM IN A TANK OF SEWAGE AS PUNISHMENT. DEFENSE MINISTER GEN. JORGE LUIS GARCIA CARNEIRO DENIED THAT AGUILAR WAS BEING PUNISHED, ASSERTING THAT OFFICERS CAUSED HIS DEATH WHEN THEY FAILED TO FOLLOW STANDARD PROCEDURES DURING SWIMMING PRACTICE. MILITARY AUTHORITIES ARE ALSO INVESTIGATING THE DEATH OF THE SOLDIER JOHN KERVIN DURAN FEBRUARY 27 AT FORT TIUNA IN CARACAS. DURAN REPORTEDLY DIED AFTER SEVERAL UNEXPLAINED TRIPS TO THE HOSPITAL, AND HIS FAMILY WAS NOT PERMITTED TO SEE HIS BODY. ARMY COMMANDER GEN. RAUL BADUEL TOLD THE PRESS APRIL 24 THAT IT IS "STRANGE" THAT DURAN'S FAMILY WAITED TWO MONTHS TO ACCUSE THE MILITARY OF CAUSING HIS DEATH. INVESTIGATIONS OF BOTH DEATHS CONTINUE. END SUMMARY.

12. (U) ARMY SOLDIER ROBERT AGUILAR DROWNED MARCH 5 AT SOCUAVO MILITARY BASE IN ZULIA STATE. FOUR MEMBERS OF THE MILITARY, INCLUDING SECOND LTS. OSCAR DANIEL GUEDEZ AND JOSE LUIS UZCATEGUI, WERE DETAINED APRIL 28 IN CONNECTION WITH THE DROWNING. THE OFFICERS FACE CHARGES OF QUALIFIED HOMICIDE, ABUSE OF AUTHORITY, DISOBEDIENCE, AND CAUSING INJURY TO A FELLOW SOLDIER. AGUILAR'S FATHER TOLD THE PRESS APRIL 21 THAT TWO OFFICERS FROM THE BASE BROUGHT HIS SON'S BODY TO HIM, SAYING THAT HE HAD DROWNED ACCIDENTALLY DURING SWIMMING PRACTICE AND THREATENING THE FATHER AND HIS OTHER SON IF THEY FILED A COMPLAINT. THE FATHER CHARGED THAT AGUILAR, WHO COULD NOT SWIM, HAD DROWNED AFTER GUEDEZ AND UZCATEGUI PLACED HIM IN A TANK OF SEWAGE AS PUNISHMENT FOR SLEEPING ON DUTY.

13. (U) DENYING THAT AGUILAR DIED WHILE BEING PUNISHED, DEFENSE MINISTER GEN. JORGE LUIS GARCIA CARNEIRO SAID APRIL 23 THAT THE PRELIMINARY INVESTIGATION SUGGESTED THAT AGUILAR'S COMMANDING OFFICERS EXHIBITED "IMPRUDENCE" WHEN THEY FAILED TO FOLLOW STANDARD PROCEDURES DURING A SWIMMING PRACTICE. GARCIA CARNEIRO SAID THAT THOSE OFFICERS WOULD BE DISCIPLINED, AND THAT A MILITARY TRIBUNAL WOULD RULE ON THE MATTER SHORTLY. THE ZULIA STATE PROSECUTOR'S OFFICE HAS FILED A MOTION FOR THE CASE TO BE TRIED IN CIVILIAN COURT.

14. (U) ON FEBRUARY 27, SOLDIER JOHN KERVIN DURAN DIED AT FORT TIUNA IN CARACAS, REPORTEDLY AFTER SEVERAL UNEXPLAINED TRIPS TO THE HOSPITAL. SPEAKING TO REPORTERS, ONE RELATIVE CLAIMED TO HAVE SEEN BRUISES ON DURAN'S FACE AND UPPER BODY, THOUGH THE AUTOPSY INDICATED NO INTERNAL OR EXTERNAL INJURIES. THE REST OF THE FAMILY WAS UNABLE TO SEE THE BODY BECAUSE THE HOSPITAL HAD BEEN PLACED UNDER QUARANTINE, ACCORDING TO NEWS REPORTS. ARMY COMMANDER GEN. RAUL BADUEL CAST DOUBT ON THE CREDIBILITY OF THE DURAN FAMILY'S CLAIMS, BECAUSE THEY HAD WAITED "ALMOST TWO MONTHS AFTER THE FACT" TO QUESTION THE CIRCUMSTANCES OF HIS DEATH. GEN. BADUEL IMPLIED THAT THEY WERE ALLOWING THEMSELVES TO BE USED BY THE GOV'S ENEMIES. THE FAMILY EXPRESSED ITS CONCERNS ON THE MILITARY'S HANDLING OF DURAN'S CASE TO THE PRIVATE TV BROADCASTER GLOBOVISION APRIL 23. SPEAKING TO THE PRESS APRIL 24, BADUEL INSISTED THAT "THE ARMED FORCES ARE NOT CONCEALING IMPROPER ACTS."

COMMENT

15. (C) GEN. BADUEL'S ASSURANCES NOTWITHSTANDING, THE MILITARY IS TRYING TO CONCEAL ITS MISDEEDS AND SENDING THE MESSAGE THAT THE PHYSICAL ABUSE OF SUBORDINATES BY OFFICERS IS NORMAL. SUCH ABUSE HAS BEEN A COMMON PRACTICE IN THE MILITARY BUT RECEIVED LITTLE ATTENTION UNTIL THE OPPOSITION REALIZED ITS POTENTIAL AS A POLITICAL WEAPON. A RECENT EXCEPTION WAS THE CASE OF ARMY LT. ALESSANDRO SICCAT, NOTED IN OUR ANNUAL REPORT ON HUMAN RIGHTS PRACTICES. SICCAT WAS CONVICTED BY A CIVILIAN COURT FOR THE JANUARY 2001 BURNING AND MURDER OF AN ALLEGEDLY DISOBEDIENT SOLDIER. SHAPIRO

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